

YOUR REF

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The Leading Public Service Union

Brian Campfield General Secretary

Ms S Mawhinney
Clerk, Environment Committee
NI Assembly
Room 247, Parliament Buildings
Stormont
BELFAST
BT4 3XX

5 November 2013

Dear Sheila

RE: LOCAL GOVERNMENT BILL

I am writing as the Trade Union Side Lead for those unions on the Local Government Reform Joint Forum (LGRJF), the body established by the DOE Minister with single authority to deal with RPA industrial relations and employment matters in local government.

The Trade Unions have numerous concerns with the Local Government Bill, other RPA legislation/proposed legislation and the total mishandling of RPA reform by the DOE. The comments here relate to the Bill but Trade Union Side considers it essential that in the scrutiny of the Bill that the Committee adopts a holistic approach to the local government RPA process.

In addition to the points below on the Bill, Trade Union Side needs to highlight the following:

- massive industrial relations problems;
- breach of employment rights on foot of Clause 18 of the Statutory Transition Committee Regulations;
- failure to comply with the Northern Ireland Executive's Guiding Principles, as drafted by the Public Service Commission; and
- the abuse of the legislative process by the Department seeking to introduce a major change to the Bill at consideration stage i.e. clauses to wind-up the Local Government Staff Commission (LGSC) with effect from April 2017. Trade Union Side considers that this is not only a decision that lacks any sustainable grounds and is totally irrational but further exposes the lack of commitment and concern for local government staff, especially those of the LGSC. In addition by planning to introduce it at consideration stage the Department seeks to avoid a full examination of its wholly unjustifiable proposal by the Assembly Committee.

NORTHERN • IRELAND • PUBLIC • SERVICE • ALLIANCE

Harkin House, 54 Wellington Park, Belfast BT9 6DP Tel: 028 9066 1831 Fax: 028 9066 5847 Minicom: 028 9068 7285
E-Mail: info@nipsa.org.uk Web: www.nipsa.org.uk

The concerns in respect of the Bill include the following:-

Clause 2 (3) (b): The constitution and associated documents should be free and available on the Council's website. Any aspect of the Constitution/Standing Orders, etc. that have any impact on staff must be subject to consultation with the Trade Unions.

Clause 33 Scrutiny Officers: There has been no discussions with the Trade Unions as to the grade, role, reporting arrangements etc. for such a post.

Clauses 38/39/46/47: Trade Union Side has concerns that such systems have been and will be abused in order to circumvent employment obligations and the industrial relations process. In addition Clause 47 should make provision for web publication.

Clause 56: This is an important issue and one on which the LGRJF Trade Union Side has identified as a key work priority for the LGRJF. A code of practice needs to be established covering the relationship between councillors and employees. It is not appropriate that such a code is left to the Department.

Clause 58/59: Trade Union Side does not consider it appropriate for the Commissioner of Complaints to deal with a complaint about or from a councillor in respect of a staff member. There should be special agreed arrangements with the LGSC handling the administrative process. Such processes must be agreed with the Trade Union Side.

Clause 76: Trade Unions and Trades Councils should be included in the consultee list for "community involvement". This goes beyond the trade unions representative of employees and should include all trade unions and trades councils within the hinterland of the Council.

Clause 79: There is a need to require negotiations with the trade unions representing any affected staff should a body corporate be established.

Clause 90: Again there should be a requirement to consult with the relevant trade unions.

Clause 103: Any direction that potentially has implications for staff must be subject to consultation with the trade unions.

Clauses 107/109: In order to avoid confusion/duplication and potential conflict with the likes of community planning, any Departmental directions etc. should operate via DOE gate keeping arrangements. Also Trade Union Side will need to be consulted on any potential staffing implications.

Clause 121: RPA Staff Transfer Schemes must appear as an agreed schedule to the Bill and be fully compliant with the RPA Guiding Principles.

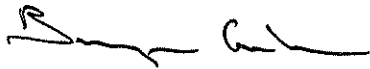
Clause 122: This is wholly deficient, the previous DOE Minister assured the LGRJF that its severance agreement would appear on the face of the Bill.

From the second reading of the Bill Trade Union Side also picked up the following issues:-

- Provision for Council employees to be elected to the employer Council. There has been no engagement at all with the Trade Unions on this matter.
- Staff morale – this is very low and just not related to the debacle of Clause 18 of the Statutory Transition Committee Regulations. It also relates to the mismanagement of the RPA project and to placing intolerable burdens on staff.
- Need to maintain the political impartiality of Council employees.
- Code of Conduct potential appeals mechanism, this relates to the comments above on Clauses 56/58/59.

In conclusion, I would ask that the Trade Union Side be provided with the opportunity to raise these matters directly with the Committee. I would also refer you to my letter of 27 September to the Committee Chairperson, which was copied to yourself.

Yours sincerely



BUMPER GRAHAM
LGRJF TUS Lead

Enc.